No. T. 1522—R.T. 28-48-1, dated 9th November 1948.

THE MYSORE COMMERCIALLY IMPORTED TRANSPORT MOTOR VEHICLES CONTROL ORDER, 1948.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, the Government of His Highness the Maharaja are pleased to make the following Order and to direct, with reference to sub-rule (1) of Rule 119 of the said Rules, that notice of the Order shall be given by publication of the same in the Official Gazette :—

1. (1) This Order may be called the Mysore Commercially Imported Transport Motor Vehicles Control Order, 1948.

(2) It shall come into force at once.

(3) It extends to the whole of Mysore.

(4) The Mysore Commercially Imported Transport Motor Vehicles Control Order, 1946, is hereby repealed.

Anything done under any of the provisions of the repealed order shall so far as may be, be deemed to have been done under the corresponding provisions of the new order.

2. In this Order, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Mysore Motor Vehicles and Road Traffic Act, 1944;

(*b*) "commercially imported transport motor vehicle" means any motor vehicle of the description given in the First Schedule to this Order, imported or received in India for civil use on or after the date on which this Order comes into force;

(*c*) "dealer" means any person appointed as such under clause 3 of this Order;

(*d*) "distributor" means any person carrying on, within Mysore, the business of the import or receipt in India of Motor Vehicles for civil use and whose name is for the time being specified in the Second Schedule to this Order;

(*e*) "offer to sell" shall be deemed to include a reference to an intimation by a person of the price proposed by him for a sale of a transport motor vehicle made by the publication of a price list by exposing the transport motor vehicle for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(*f*) "Motor Transport Controller" means the Officer appointed by the Government to be the Motor Transport Controller for the purposes of this Order, and includes any other officer authorised by the Government to perform any of the functions of the Motor Transport Controller under this Order;

(*g*) "registering authority" means the authority empowered to register motor vehicles under Chapter III of the Mysore Motor Vehicles and Road Traffic Act, 1944;

(*h*) "schedule" means a schedule to this Order;

(*i*) "sub-dealer" means a person appointed as such under clause 3 of this Order.

3. (1) A distributor may, by a written order in the form set out in the Third Schedule to this Order, appoint, in respect of such areas as the order may specify, one or more dealers or sub-dealers for commercially imported transport motor vehicles of any make or makes for which he is a distributor.

(2) The distributor may, at any time, by a written order, revoke or modify any such order of appointment made by him.

(3) The distributor shall forward a copy of every order made under sub-clause (1) or sub-clause (2) to the Motor Transport Controller.

4. The Government may, by a notification in the Official Gazette specify the maximum retail price of commercially imported transport motor vehicles of any type and make and by any general or special order regulate the prices at which and the conditions subject to which commercially imported transport motor vehicles may be sold by a distributor to a dealer or by a dealer to a sub-dealer.

5. Every dealer or sub-dealer shall, by notice in the form set out in the Fourth Schedule to this Order, prominently exhibited on his business premises, indicate the maximum retail prices specified under clause 4 in respect of each make and type of commercially imported transport motor vehicles kept by him for sale.

6. No person shall sell or transfer or offer to sell, or transfer, any commercially imported transport motor vehicle

at a price exceeding the maximum retail price specified under clause 4 nor shall he demand or receive any other consideration in excess of that price.

7. (1) The Government may, by order in writing, direct any distributor, dealer or sub-dealer to reserve 33⅓ per cent of the total number of commercially imported transport motor vehicles imported or received by them as the case may be for sale to such person or persons as may be specified in the order:

(2) Provided that if no order is received by a distributor, dealer or sub-dealer in respect of any consignment of commercially imported transport motor vehicles reserving one or more of such motor vehicles for more than twenty days from the date of receipt by the Motor Transport Controller of intimation of the receipt of such consignment, the distributor, dealer or sub-dealer, as the case may be, may sell or otherwise dispose of any such commercially imported transport motor vehicle to any person whatsoever;

The order shall specify the type and make of the commercially imported transport motor vehicles which should be so reserved.

8. No registered owner of a commercially imported transport motor vehicles registered in Mysore shall remove it, or cause or allow it to be removed, outside Mysore otherwise than in accordance with the general or special permission in writing of the Government.

9. (1) Every distributor or dealer shall keep such records and furnish such returns in relation to commercially imported transport motor vehicles as the Government may from time to time by general or special order require.

(2) Every sub-dealer shall keep such records and furnish such returns in relation to commercially imported transport motor vehicles as the Motor Transport Controller may from time to time by general or special order require.

10. Every distributor, dealer or sub-dealer shall at any reasonable time produce for inspection by any person authorised in writing in this behalf by the Government or the Motor Transport Controller any commercially imported transport motor vehicle in his possession, and any accounts, books and such other records that are maintained or are required to be maintained by him under clause 9.

11. An officer empowered in this behalf by the Government may, with a view to securing compliance with this order—

(*a*) require any distributor, dealer or sub-dealer to furnish any information the officer may require as to the business in motor vehicles carried on by such distributor, dealer or sub-dealer;

(*b*) inspect or cause to be inspected any books or other documents belonging to such distributor, dealer or sub-dealer.

12. If in the opinion of the Government any distributor, dealer or sub-dealer has—

(*a*) contravened any of the provisions of this Order or of any other Order under the Defence of India Rules as applied to Mysore and continued under the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 in respect of any motor vehicle;

(*b*) made any false declaration or statement in relation to any transaction in respect of commercially imported transport motor vehicles; or

(*c*) committed any breach of the terms of any contract with the Government, the Government of India or Provincial Governments relating to the operation or maintenance of transport vehicles; or

(*d*) been declared an insolvent; or

(*e*) otherwise shown himself unfit to continue as a distributor, dealer or sub-dealer;

then the Government may, without prejudice to any other action that may be taken against any such distributor, dealer or sub-dealer direct the removal of his name from the second schedule to this order whereupon such person shall cease to be a distributor, dealer or sub-dealer for the purposes of this order.

13. Any court trying a contravention of this order may direct that any motor vehicle in respect of which the court is satisfied that this order has been contravened shall be forfeited to the Government.

FIRST SCHEDULE.

See *Clause 2(b)*.

Descriptions of Motor Vehicles falling within the definitions of Commercially Imported Transport Motor Vehicles.

Serial No.	*Make*	*Wheel base*	*Description*
1.	Albion ...	All wheel bases	All types
2.	Bedford ...	Do ...	Do
3.	Commer ...	Do ...	Do
4.	Jowett ...	Do ...	Do
5.	Leyland ...	Do ...	Do
6.	Morris Commercial	Do ...	Do
7.	Chevrolet ..	Do ..	Do
8.	Diamond T ...	Do ...	Do
9.	Dodge ...	Do ...	Do
10.	Fargo ...	Do ...	Do
11.	Ford ...	Do ...	Do
12.	G. M. C. ...	Do ...	Do
13.	International ...	Do ...	Do
14.	Reo ...	Do ...	Do
15.	Studebaker ...	Do ...	Do
16.	Karrier ...	Do ...	Do
17.	Austin ...	Do ...	Do

SECOND SCHEDULE.

See *Clause 2 (d)*.

List of Distributors.

Serial No.	Name of Distributor	Place at which business premises of the Distributor are situated	Description of the territory in which the Distributor has a trading area	Description of commercially imported transport motor vehicles in respect of which appointed as Distributor

THIRD SCHEDULE.

See *Clause 3*.

I, being a distributor under Mysore Commercially Imported Transport Motor Vehicles Control Order, 1948, appoint you.....
.....having your place of business at
.....to be a dealer/sub-dealer for the distribution of.....being commercially imported transport motor vehicles. The territory in which you will have a trading area is
.....

Distributor.....

Copy forwarded to the Motor Transport Controller.....State.

Distributor..... .....

FOURTH SCHEDULE.

See *Clause 5.*

Maximum retail prices of Commercially Imported Transport Motor Vehicles.

Make	Wheel base	Chassis only, or with goods body, or with passenger body, etc., description of any other special equipment	Maximum retail prices	Note
				Under the provisions of the Mysore Commercially Imported Transport Motor Vehicles Control Order, 1948, dealers and sub-dealers are authorised to charge in the case of a new commercially imported transport motor vehicle to be sold, in addition to the retail price, delivery charge from the premises of the dealer or the sub-dealer consisting of such items as sanctioned by the Government from time to time. The items at present sanctioned are.. .. ..

Date..... Dealer/Sub-Dealer.....

No. T. 1523—R. T. 29-48-1, dated 9th November 1948.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (No. XX of 1947) the Government of His Highness the Maharaja are pleased to make the following order, and to direct with reference to sub-rule (1) of Rule 119 of the said rules, that notice of the order shall be given by publication of the same in the Official Gazette :—

1. (1) This order may be called the Mysore Civil Motor Cars Control Order, 1948.

(2) It shall come into force at once.

(3) It extends to the whole of Mysore.

(4) The Mysore Civil Motor Cars Control Order, 1945, is hereby repealed. Anything done under any of the provisions of the repealed order shall so far as may be, be deemed to have been done under the corresponding provisions of the new order.

2. In this order, unless there is anything repugnant in the subject or context :—

(*a*) "The Act" means the Mysore Motor Vehicles and Road Traffic Act, 1944.

(*b*) "Controlled Motor Car" means any unused motor car of a description given in the first schedule imported into the State after the first day of April 1945.

(*c*) "Dealer" means a person appointed as such under clause 3 of this order.

(*d*) "Distributor" means any person whose name is for the time being specified in the second schedule to this order;

(*e*) "Motor Car" has the meaning assigned to it in the Act.

(*f*) "Offer to sell" shall he deemed to include a reference to an intimation by a person of the price proposed by him for a sale of a motor car, made by the publication of a price list, by expressing the motor car for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever.

(*g*) "Motor Transport Controller" means the officer appointed by Government to be the Motor Transport Controller for the purpose of this order, and includes

any other officer authorised by Government to perform any of the functions of the Motor Transport Controller under this order.

(*h*) " Schedule " means a schedule to this order.

(*i*) " Sub-dealer " means a person appointed as such under clause 3 of this order.

3. (1) A distributor may by a written order in the form set out in the third schedule to this order appoint in respect of such area or areas as the order may specify a dealer or sub-dealer for controlled motor cars of any make or makes for which he is a distributor.

(2) The distributor may at any time by a written order revoke or modify any such order of appointment of a dealer or sub-dealer made by him.

(3) The Distributor shall forward a copy of every such order made under sub-clause (1) or sub-clause (2) to the Motor Transport Controller.

4. The Government may.—

(*a*) by a notification in the Official Gazette specify the maximum retail prices of controlled motor cars of any type and make; and

(*b*) by general or special order, regulate the prices at which such controlled motor cars may be sold by a distributor to a dealer or by a dealer to a sub-dealer.

5. Every dealear or sub-dealer shall, by notice in the form set out in the fourth schedule, prominently exhibited on his business premises, indicate the maximum retail prices specified under clause 4 (*a*) in respect of each type of make of controlled motor cars kept by him for sale.

6. No person shall sell or otherwise dispose of, or offer to sell or otherwise dispose of, a controlled motor car at a price exceeding the maximum retail price specified under clause 4 (*a*) nor shall he demand or receive any other consideration in excess of the price so specified :

Provided that a dealer or sub-dealer may charge in addition to the retail price so specified such items of delivery charges of the controlled motor car from the premises of the Distributor to the premises of the dealer or sub-dealer, as may be sanctioned by the Government, from time to time.

7. (1) The Government may by order in writing direct any distributor, dealer or sub-dealer to reserve twenty per cent of the total number of controlled motor cars imported or recevied by him, as the case may be,

for sale to such person or persons as may be specified in the order :

Provided that if no order is received by a Distributor, dealer or sub-dealer in respect of any consignment of Controlled motor cars reserving one or more of such motor cars for more than ten days from the date of receipt by the Motor Transport Controller of intimation of the receipt of such consignment, the distributor, dealer or sub-dealer as the case may be, may sell or otherwise dispose of any such controlled motor car to any person whatsoever.

(2) The order shall specify the type and make of the controlled motor cars which should be so reserved.

8. No person who has purchased a controlled motor car under an order issued by the Government under clause 7 shall sell or otherwise dispose of the car without the permission in writing of the Government.

9. Every distributor, dealer or sub-dealer shall keep such records and furnish such returns in relation to controlled motor cars as the Government may, from time to time by general or special order require.

10. Every distributor, dealer or sub-dealer shall produce for inspection by any person authoursed in writing in this behalf by the Government at any reasonable time any controlled motor car in his possession, and any accounts, book or such other records that are maintained or are required to be maintained under clause 9.

11. Any Officer empowered in this behalf by the Government may, with a view to securing compliance with this order :—

(*a*) require any distributor, dealer or sub-dealer to furnish information relating to his business in controlled motor cars ;

(*b*) inspect or cause to be inspected any books or documents belonging to any distributor, dealer or sub-dealer.

12. If in the opinion of the Government, any distributor, dealer or sub-dealer has—

(*a*) contravened any of the provisions of this order or of any other order under the Defence of India Rules as applied to Mysore and continued to be in force under the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, in respect of any motor vehicle as the case may be, or

(*b*) made false declaration or statement in relation to any transaction in controlled motor cars;

(*c*) committed any breach of the terms of any contract entered into with the Government, the Government of India or Provincial Governments relating to the operation or maintenance of Transport Vehicles; or

(*d*) been declared an insolvent; or

(*e*) otherwise shown himself unfit to continue as a distributor, dealer or sub-dealer. Then the Government may without prejudice to any other action which may be taken against him direct the removal of his name from the second schedule to this order or cancel his appointment as dealer or sub-dealer, as the case may be, whereupon such person shall cease to be a distributor, dealer or sub-dealer, as the case may be for the purposes of this order.

12. Any Court trying a contravention of this order may direct that any controlled motor car in respect of which the Court is satisfied that this order has been contravened shall be forfeited to the Government.

FIRST SCHEDULE.

See *Clause 2(b)*.

Description of motor cars to which this order applies.

Sl. No.	*Make.*	*Type.*	*Sl. No.*	*Make.*	*Type.*
1	Austin ...	All types.	17	Buick ...	All types.
2	Bently ...	,,	18	Caddilac ...	,,
3	Daimler ...	,,	19	Chevorlet ...	,,
4	Ford ...	,,	20	Chrysler ...	,,
5	Hillman ...	,,	21	Desotto ...	,,
6	Hindustan ...	,,	22	Dodge ...	,,
7	Humber ...	,,	23	Hudson ...	,,
8	Jaguar ...	,,	24	Lasalle ...	,,
9	Lanchester ...	,,	25	Lincoln ...	,,
10	Morris ...	,,	26	Mercury ...	,,
11	Rolls Royce ...	,,	27	Oldsmobile ...	,,
12	Singer ...	,,	28	Pontiac ...	,,
13	Standard ...	,,	29	Plymouth ...	,,
14	Sunbeam Talbot ...	,,	30	Studebaker ...	,,
15	Vauxhall ...	,,	31	Terraplane ...	,,
16	Wolseley ...	,,	32	Citron ...	,,
			33	Jowett ...	,,

SECOND SCHEDULE.

See *Clause* 2 (*d*).

List of Distributors.

Serial No.	Name of Distributor	Place at which business premises of the distributor are situated	Description of the territory in which the distributor has a trading area	Description of motor cars in respect of which he has been appointed a distributor
1	Messrs. V. S. T. & Sons.	Lakshmivilas, High Grounds, Bangalore City.	Mysore State ...	Austin.

THIRD SCHEDULE.

See *Clause* 3.

I .... being a distributor under the Mysore Civil Motor Cars Control Order, 1948, appoint you ..... to be a dealer/sub-dealer for the distribution of ..... motor cars. Your place of business will be ..... and the territory in which you have a trading area is .....

Copy forwarded to the Motor Transport Controller, Mysore State,

.....
Distributor.

.....
Distributor.

FOURTH SCHEDULE.

See *Clause* 5.

Maximum Retail Prices of Controlled Motor Cars.

Make	Type	Maximum Retail Price	Note
...	....	...	Under the provisions of the Mysore Civil Motor Cars Control Order, 1948, dealers and sub-dealers are authorised to charge, in addition to the retail price delivery charges from the premises of the importer to the premises of the dealer or the sub-dealer consisting of such items as sanctioned by Government from time to time. The items at present sanctioned are ....

Dealer/Sub-dealer.....

Date .....

By Order,
MOHAMED ISMAIL SHERIFF,
Secretary to Government;
General Department.

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